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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of

YAMAMOTO et al.

Application Number: 09/873,206

Filed: June 5, 2001

For: OPTICAL MEASUREMENT DEVICE

Attorney Docket No. NIPP.0001

ATTN: Office of Petitions

Honorable Assistant Commissioner
for Patents
Washington, D.C. 20231

ATTN: Office of Petitions

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) Examiner Hoang, Tu Ba
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**SUPPLEMENT TO THE RENEWED PETITION TO ACCEPT
UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY
PURSUANT TO 37 C.F.R. § 1.78(a)(3) and 1.55(c)**

Sir:

Further in response to the decision rendered on April 6, 2004, and pursuant to a further telephone conference with the Petitions Examiner, Ms. Karen Creasy, on September 22, 2004, Applicants hereby submit a Supplement to the Renewed Petition to Accept an Unintentionally Delayed Priority Claim in conjunction with the original Petition filed on August 28, 2003, and the Supplemental Petition filed March 16, 2004. Applicants are respectfully requesting that the Commissioner (1) accept the above-Unintentionally Delayed Claim for Priority; and (2) grant the claim of priority to PCT/JP99/06749 filed on December 1, 1999, which claims the priority of Japanese Patent Application 10-347299 filed December 7, 1998.

Applicants had previously filed a Petition to Withdraw the above-referenced application from issue along with a Request for Continued Examination and an Amendment to amend the specification to claim priority to applications and dates mentioned above also on March 16, 2004. The Petition to Withdraw was granted on April 6, 2004.

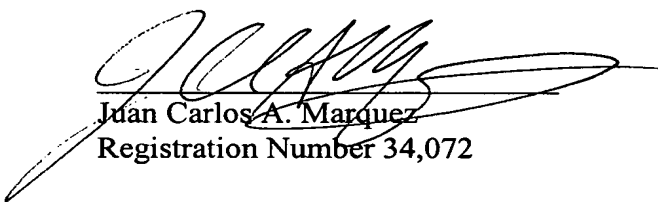
In accordance with the telephone conference with Petitions Examiner Creasy, attached hereto is a Second Supplemental Amendment to properly claim priority to the PCT Application No. PCT/JP99/06749 filed December 1, 1999, which designated the United States of America, under 35 USC §120, as a continuation application thereof. Priority to the original Japanese Application No. 10-347299 filed December 7, 1998, was set forth in the original declaration for patent application filed June 4, 2001. The proposed supplemental amendment to the application, which is attached hereto, is being submitted to correctly recite that above-referenced application for purposes of this renewed petition is a continuation of and claims of priority to PCT/JP99/06749 filed on December 1, 1999.

Applicants believe that they have fulfilled all of the requirements of 37 C.F.R. §1.78(a)(3) as well as 37 C.F.R. §1.55(c), and respectfully requests that the Unintentionally Delayed Request for Priority be accepted, and that the claim for priority be granted.

While it is respectfully believed that no fee is required for filing this Renewed Petition, please charge any fees or credit any overpayments in connection with this paper to Deposit Account No. 08-1480.

Respectfully submitted,

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September 22, 2004